IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4163 of 2006()

CRA.699/2004 of SESSIONS COURT, THRISSUR
ST.882/2001 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR

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REVN. PETITIONER: APPELLANT/ACCUSED:

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1. G.MAHESH KUMAR, MANAGING PARTNER,
   S.S.AGENCIES, SAJ BUILDINGS, PULIMATH,
   KILIMANOOR, THIRUVANANTHAPURAM.

2. S.S.AGENCIES, IV/606, SAJ BUILDINGS,
   PULIMATH, KILIMANNOOR, THIRUVANANTHAPURAM.

BY ADV. SRI. K.SIJU
SRI.S.SUDHEESHKAR

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE:

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1. PRAVASI MARKETING & SALES (P) LTD.,
   OFFICE NO.4, OASIS COMPLEX, PERINGAVU,
   TRICHUR-18, REPRESENTED BY (K.K.VELAYUDHAN DIED),
   NOW REPRESENTED BY DENESH N.NAIR.

2. STATE OF KERALA REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI.K.GOVINDANKUTTY
PUBLIC PROSECUTOR C.K. SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4163 of 2006

Dated this the 28th day of November, 2006

ORDER

The petitioners were convicted for the offence under Section 138 of the Negotiable Instruments Act and were sentenced to pay a fine of Rs.70,000/- each and in default of payment, to undergo simple imprisonment for a period of three months. The conviction and sentence were challenged in appeal. The appellate court confirmed the conviction and sentence.

Crl.M.A.No.11999/2006 was filed by the complainant and the accused under Section 147 of the Act and that petition was allowed. Accordingly, the Crl.R.P. is allowed and the conviction and sentence imposed on the petitioners are set aside. The petitioners are acquitted under Section 320(8) of the Code of Criminal Procedure.

K.T.SANKARAN,
JUDGE

csl